

Message Text

SECRET

PAGE 01 SEOUL 10310 01 OF 02 071136Z

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FM AMEMBASSY SEOUL

TO SECSTATE WASHDC NIACT IMMEDIATE 8018

S E C R E T SECTION 1 OF 2 SEOUL 10310

NODIS

E.O. 11652: GDS

TAGS: PGOV, US, KS

SUDJ: PARK TONG-SUN AFFAIR - A JOINT COMMUNIQUE - ONE STEP
FROM THE GOAL

REF: STATE 287585

SUMMARY: ROKG PROPOSES FOREIGN MINISTER AND AMBASSADOR MEET
TO SIGN JOINT COMMUNIQUE REGARDING PARK TONG-SUN. MOFA
ASSURES US PARK WILL AGREE TO TESTIMONY IN US SHORTLY AFTER
COMMUNIQUE SIGNED. END SUMMARY.

1. POLCOUNS MET WITH MOFA AMERICAN AFFAIRS BUREAU DIRECTOR
PAK SONG YONG AFTERNOON DECEMBER 7 TO DISCUSS FINAL DETAILS
ON WINDING UP PRELIMINARIES OF PARK TONG SUN INTERROGATION
AND SUBSEQUENT TESTIMONY AT TRIALS IN THE UNITED STATES.
PAK PROPOSED THAT AMBASSADOR AND FOREIGN MINISTER MEET AS
SOON AS POSSIBLE TO SIGN JOINT COMMUNIQUE STATING GOVERNMENT
TO GOVERNMENT AGREEMENT REGARDING PARK TONG SUN. POLCOUNS
POINTED OUT THAT GOVERNMENT TO GOVERNMENT AGREEMENT WAS ONLY
HALF THE LOAF AND PARK TONG SUN'S AGREEMENT TO APPEAR AT
TRIALS WAS THE OTHER HALF. PAK ASSURED POLCOUNS THAT
ROKG HAD BEEN WORKING ACTIVELY TO PERSUADE PARK TONG SUN
OF THE NEED FOR HIS APPEARANCE AT TRIALS AND WAS CONFI-
DENT IT COULD ASSURE THE UNITED STATES THAT SUCH

SECRET

SECRET

PAGE 02 SEOUL 10310 01 OF 02 071136Z

ASSURANCES WOULD BE FORTHCOMING SHORTLY AFTER SIGNING
OF JOINT COMMUNIQUE. POLCOUNS REITERATED NEED FOR TFOAL
PACKAGE AND DANGERS INVOLVED IN COMING UP DRY AFTER
SIGNING GOVERNMENT TO GOVERNMENT AGREEMENT. PAK SAID
HE WAS FULLY AWARE OF THESE DANGERS AND THAT THE UNITED
STATES SHOULD HAVE NOT CONCERN ON THIS SCORE.

2. FOLLOWING IS TEXT OF COMMUNIQUE WITH CHANGES PROPOSED BY POLCOUNS AND COMMENTS ON PARTICULAR PORTIONS. AGREEMENT OF COOPERATION BETWEEN THE GOVERNMENTS OF THE REPUBLIC OF KOREA AND THE UNITED STATES CONCERNING THE CASE OF MR TONG SUN PARK.

1. US INTERVIEW WITH MR TONG SUN PARK

A. MR TONG SUN PARK WILL BE INTERVIEWED AT THE UNITED STATES EMBASSY IN SEOUL WITH THE PRESENCE OF EQUAL NUMBER (TWO) OF KOREAN OFFICIALS FOR THE DURATION OF ABOUT ONE HOUR.

B. AT THIS INTERVIEW, THE US SIDE WILL CONVEY DIRECTLY TO MR TONG SUN PARK THE IMPORTANCE OF HIS TRIAL TESTIMONY AND EXPLAIN CONDITIONS OF IMMUNITY WHICH WILL BE OFFERED AS WELL AS THE DISPOSITION OF INDICTMENT NOW PENDING AGAINST HIM. THE US SIDE WILL ASCERTAIN HIS INTENTIONS WITH RESPECT TO APPEARANCE AT TRIALS IN THE US, IF AND WHEN NECESSARY.

C. MR TONG SUN PARK WILL BE ASSURED OF RETURNING TO HIS HOME AFTER THE ABOVE-MENTIONED INTERVIEW AT THE UNITED STATES EMBASSY.

COMMENT: PAK ASKED IF MEETING IN EMBASSY WOULD BE NECESSARY IF PARK TONG SUN AGREED IN ADVANCE TO APPEAR AT TRIALS. POLCOUNS SAID HE WOULD QUERY WASHINGTON ON THIS POINT.

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PAGE 03 SEOUL 10310 01 OF 02 071136Z

2. METHODS AND PROCEDURES FOR QUESTIONING OF MR TONG SUN PARK IN KOREA

A. MR PARK WILL BE QUESTIONED AT A PLACE TO BE DESIGNATED BY THE KOREAN SIDE (SEOUL DISTRICT COURT).

B. THERE WOULD BE NO LIMITATION ON THE TIME OF OVERALL QUESTIONING. (SUCH QUESTIONING SHALL BE CONDUCTED DURING THE NORMAL OFFICE WORKING HOURS.) SUBJECT OF THE QUESTIONING WILL RELATE ONLY TO THE RELATIONSHIP BETWEEN MR TONG SUN PARK AND UNITED STATES CONGRESSMEN OR OTHER UNITED STATES OFFICIALS, OR PERSONS.

C. AT EACH SESSION OF QUESTIONING, THE KOREAN SIDE WILL BEGIN INTERROGATION. AFTER SUCH KOREAN INITIATIVE, THE US SIDE WILL BE PROVIDED AMPLE OPPORTUNITIES TO DIRECTLY QUESTION MR TONG SUN PARK WITH THE HELP OF INTERPRETERS AS NECESSARY. IN THIS PROCESS, CROSS EXAMINATION AND COUNSEL WILL BE ALLOWED.

D. OATH WILL BE ADMINISTERED IN ACCORDANCE WITH THE KOREAN LAW; POLYGRAPH MAY BE USED; ENGLISH MAY BE USED IN QUESTION

AND ANSWER WITH THE HELP OF INTERPRETERS, ALONG WITH KOREAN;
AND VERBATIM RECORD WILL BE MADE OF THE INTERROGATION.

E. A MUTUAL PROSECUTION ASSISTANCE ARRANGEMENT CONCERNING
MR TONG SUN PARK WILL BE AGREED UPON AND SIGNED IN SEOUL
BETWEEN REPRESENTATIVES OF THE REPUBLIC OF KOREA MINISTRY
OF JUSTICE AND THE UNITED STATES JUSTICE DEPARTMENT, PRIOR TO
US INTERVIEW WITH MR TONG SUN PARK AND QUESTIONING IN KOREA.
PROVISIONS OF THE ARRANGEMENT WILL INCLUDE, AMONG OTHERS,
UNDERSTANDINGS ENUMERATED ABOVE.

COMMENT: POLCOUNS POINTED OUT PER REFTTEL THAT MUTUAL PROSECUTION
ASSISTANCE AGREEMENT NEED NOT BE A SIGNED DOCUMENT. PAK SAID
KOREAN SIDE WOULD PREFER SIGNED AGREEMENT BETWEEN JUSTICE
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SECRET

PAGE 04 SEOUL 10310 01 OF 02 071136Z

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3. US GOVERNMENT ASSURANCES CONCERNING MR TONG SUN PARK'S
POSSIBLE TRIAL TESTIMONY BEFORE US COURT

A. MR TONG SUN PARK WILL TRAVEL TO THE UNITED STATES AS A
WITNESS SOLELY FOR THE PURPOSE OF TESTIFYING IN COURT UNDER
THE AGREEMENT BETWEEN THE GOVERNMENTS OF THE REPUBLIC OF KOREA
AND THE UNITED STATEE.

B. THE UNITED STATES WILL DISMISS THE PENDING INDICTMENT
AGAINST MR TONG SUN PARK PROMPTLY UPON COMPLETION OF HIS
TESTIMONY AT (THE LAST) TRIAL, AND PROVIDE HIM WITH FULL
IMMUNITY FROM ANY (PAST) CRIMINAL LIABILITIES.

COMMENT: POLCOUNS PROPOSED TEXTUAL CHANGES SHOWN IN
PARENTHESES AND PAK HAD NO APPARENT DIFFICULTY IN ACCEPTING
THEM.

C. SUBJECT OF MR TONG SUN PARK'S (QUESTIONING BY THE
PROSECUTION) BEFORE THE US COURT WILL CONCERN ONLY THE
RELATIONSHIP BETWEEN HIMSELF AND THE UNITES STATES CONGRESSMEN
OR OTHER US OFFICIALS. THE PROSECUTION'S QUESTIONING AT THE
COURT WILL NOT CONCERN MR TONG SUN PARK'S ALLEGED CONNECTION
WITH THE KOREAN GOVERNMENT OR ITS OFFICIALS.

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PAGE 01 SEOUL 10310 02 OF 02 071146Z
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S E C R E T SECTION 2 OF 2 SEOUL 10310

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COMMENT: ORIGINAL TEXT HAD TESTIMONY IN PLACE OF PAREN-
THETICAL INSETION. POLCOUNS POINTED OUT WE COULD NOT
GUARANTEE WHAT PARK TONGRSUN WOULD SAY BUT ONLY WHAT WE
WOULD ASK. PAK AGAIN APPEARED TO HAVE NO DIFFICULTY
ACCEPTING CHANGE.

D. WHILE IN THE UNITED STATES FOR THE PURPOSE OF HIS TRIAL
TESTIMONY, MR TONG SUN PARK (WOULD NOT ASSUME ANY)
OBLIGATION TO APPEAR BEFORE ANY CONGRESSIONAL COMMITTEE OR
TO UNDERGO ANY FURTHER INVESTIGATION BY ANY UNITED STATES
GOVERNMENT AGENCY, AND HIS PERSONAL SAFETY WILL BE FULLY
GUARANTEED.

COMMENT: KOREAN TEXT HAD SHALL BE IMMUNE FROM IN PLACE
OF PARENTHETICAL INSERTION. POLCOUNS POINTED OUT THAT
THIS STATEMENT IN UNITED STATES RESPONSE REFERRED TO MR
PARK'S OBLIGATION AND NOT TO THE QUESTION OF IMMUNITY. PAK
SAID HE WOULD ASK ABOUT THIS CHANGE WHICH SEEMED LOGICAL.

E. UNDER THE AGREEMENT OF COOPERATION BETWEEN THE TWO
GOVERNMENTS, MR TONG SUN PARK SHALL RETURN TO THE REPUBLIC
OF KOREA IMMEDIATELY AFTER HIS TESTIMONY AT EACH TRIAL. UNDER
NO CIRCUMSTANCES OR PRETEXT OF ANY KIND EITHER ON THE PART
OF THE UNITED STATES AUTHORITIES OR MR TONG SUN PARK HIMSELF,
SHALL HE BE PERMITTED BY THE UNITES STATES GOVERNMENT TO REMAIN
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PAGE 02 SEOUL 10310 02 OF 02 071146Z

IN THE UNITES STATES.

LENGTHY DISCUSSION ENSUED REGARDING THIS POINT WHICH IS
OBVIOUSLY MAIN CONCERN OF HIGHEST LEVELS OF ROKG. POLCOUNS
POINTED OUT THAT WE COULD LIMIT DURATION OF VISA AND ROK
COULD LIMIT PASSPORT TO PERIOD NECESSARY FOR TEIAL* HE ALSO
DREW ON RATIONALE FOR PARK'S NOT WISHING TO STAY IN UNITED
STATE PROVIDED REFTTEL. DESPITE GREAT URGIN PAK REQUESTED

THAT HIS LANGUAGE BE PUT TO WASHINGTON WITH A STRONG PLEA FOR ACCEPTANCE. IF THERE IS ANY MANNER IN WHICH WE COULD DEVELOP STRONG GUARANTEE REGARDING PARK'S RETRUN TO KOREA, REQUEST ALTERNATE LANGUAGE TO THAT EFFECT BE PROVIDED.

4. THE REPUBLIC OF KOREA GOVERNMENT ASSURANCES CONCERNING MR TONG SUN PARK'S TRAVEL TO AND FROM THE UNITED STATES ON A LOAN BASIS

A. THE REPUBLIC OF KOREA GOVERNMENT IS PREPARED TO ACTIVELY ADVISE MR TONG SUN PARK TO TRAVEL TO THE UNITED STATES AS A WITNESS SOLELY FOR THE PURPOSE OF TRIAL TESTIMONY, IF AND WHEN NECESSARY.

B. THE REPUBLIC OF KOREA GOVERNMENT WILL PROVIDE MR TONG SUN PARK WITH SUCH NECESSARY ASSISTANCE AS ISSUING A PASSPORT, AND EXIT PERMIT IN ORDER FOR HIM TO TRAVEL (ONLY) TO AND FROM THE UNITED STATES SOLELY FOR THE PURPOSE OF HIS TRIAL TESTIMONY BEFORE THE UNITED STATES COURT (UNTIL RELATED TRIALS ARE COMPLETED AND WILL TAKE NO OTHER STEPS WHICH WOULD INTERFERE WITH MR PARK'S FREEDOM TO TRAVEL TO THE UNITED STATES.)

COMMENT: PAK INITIALLY RESISTED PARENTHETICAL INSERTION PROPOSED BY POLCOUNS AS REDUNDANT. POLCOUNS POINTED OUT SECRET

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PAGE 03 SEOUL 10310 02 OF 02 071146Z

THAT INITIAL US REQUEST IN THIS MATTER REQUIRED LIMITATION ON PARK TONG SUN'S TRAVEL TO ONLY THE UNITED STATES DURING TRIAL PERIOD AND ASSURANCES THAT ROKG WOULD TAKE NO OTHER STEPS TO INHIBIT TRAVEL. PAK ASKED THAT WASHINGTON BE QUERIED ON NEED FOR THESE TWO INSERTIONS SINCE FIRST MIGHT INHIBIT PARK TONG SUN'S TRAVEL FOR AN EXTENDED PERIOD AND SECOND LENGTHY INSERTION APPEARED REDUNDANT.

END TEXT AND COMMENT.

3. COMMENT: ROK APPARENTLY WANTS, FOR OWN POLITICAL PURPOSES, TO HAVE COMMUNIQUE SIGNED BEFORE ASSURANCES FROM PARK TONG-SUN PROVIDED, MOST PROBABLY IN FORM OF LETTER TO AMBASSADOR. THIS PROCEDURE, AS POINTED OUT BY POL COUNS, RUNS RISK OF HAVING PARK RUIN THE DEAL. ROKG WISHES MAKE CLEAR TO PUBLIC APPEARANCE THAT PARK TONG-SUN ACTING ON FREE WILL. IF WASHINGTON IS CONCERNED ON THIS POINT, WE WOULD PROPOSE, IF OTHER PROBLEMS ARE RESOLVED, TO SEND LETTER FROM AMBASSADOR TO FOREIGN MINISTER STATING THAT AGREEMENT BETWEEN US AND KOREA ON PARK TONG-SUN WOULD, IN OUR VIEW, NOT GO INTO EFFECT UNTIL ASSURANCES ARE RECEIVED FROM PARK REGARDING HIS WILLINGNESS TO APPEAR AS A WITNESS AT TRIALS IN THE US.

4. AMBASSADOR'S COMMENTS FOLLOW SEPTTEL.
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Message Attributes

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